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21 *Attorneys for Plaintiff*  
22 *Union Pacific Railroad Company*

23 **IN THE UNITED STATES DISTRICT COURT**  
24 **FOR THE DISTRICT OF NEVADA**

25 UNION PACIFIC RAILROAD COMPANY, a  
26 Delaware corporation,

27 Plaintiff,

28 v.

WINECUP GAMBLE, INC., a Nevada  
corporation,

Defendant.

Case No. 3:17-cv-00477-LRH-CLB

**UNION PACIFIC RAILROAD COMPANY'S  
NOTICE OF APPEAL**

Plaintiff Union Pacific Railroad Company appeals to the United States Court of Appeals for the Ninth Circuit from the final judgment entered on September 30, 2022 (Dkt. 283) and the order entered on June 16, 2023 (Dkt. 314) denying Plaintiff's motion for judgment as a matter of law or for a new trial, as well as all orders and rulings merged into these rulings, including without limitation the Court's December 4, 2020 order regarding motions *in limine* (Dkt. 198), the Court's

1 June 19, 2022 order regarding the proper measure of damages (Dkt. 203), and the Court's  
2 December 12, 2022 order approving the bill of costs (Dkt. 306).

3 Plaintiff Union Pacific Railroad Company also appeals to the United States Court of  
4 Appeals for the Ninth Circuit from the Court's June 16, 2023 order granting Defendant Winecup  
5 Gamble, Inc.'s motion for attorneys' fee (Dkt. 313).

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8 Date: July 13, 2023

Respectfully submitted,

9 UNION PACIFIC RAILROAD COMPANY

10 /s/ Gary M. Elden

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Attorneys for Plaintiff Union Pacific Railroad Company

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of the law firm of Shook, Hardy & Bacon, LLP, and that on **July 13, 2023**, I filed a true and correct copy of the foregoing document with the Clerk through the Court's CM/ECF System, which sent electronic notification to all registered users addressed as follows.

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Dated: July 13, 2023

/s/ Natalie Funk  
Employee of Shook, Hardy & Bacon L.L.P.